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Arlington, VA 22202

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|---------------------------------------|---|-----------------|
| In re Application of | : | |
| SALLES et al. | : | |
| Application No.: 09/936,559 | : | DECISION ON |
| PCT No.: PCT/FR99/00691 | : | |
| Int. Filing Date: 25 March 1999 | : | PETITION UNDER |
| Priority Date: 26 March 1998 | : | |
| Attorney Docket No.: SFRI 6.PCT/US | : | 37 CFR 1.137(b) |
| For: METHOD FOR DETECTING DAMAGED | : | |
| DNA USING PROTEIN COMPLEXES AND | : | |
| ELEMENTS FOR IMPLEMENTING SAID METHOD | : | |

This decision is in response to applicants' "PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 CFR 1.137(b)" filed 14 September 2001.

BACKGROUND

On 25 March 1999, applicant filed international application PCT/FR99/00691, which claimed a priority date of 26 March 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 30 September 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 06 October 1999. Accordingly, the thirty-month period for paying the basic national fee in the United States expires at midnight on 26 September 2000.

On 14 September 2001, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, an assertion of small entity status, the U.S. Basic National Fee for a small entity, and the instant "PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 CFR 1.137(b)"

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;

- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the basic national fee for a small entity on 14 September 2001.

As to item (2), applicants submitted the petition fee of \$620.00 for a small entity on 14 September 2001.

With regard to item (3), petitioner has provided the required statement.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring: a translation of the application into English; and an oath or declaration in compliance with 37 CFR 1.497(a)-(b).



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